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Synopsis of Statutes of General Application

ENACTED AT THE
SECOND SESSION
OF THE
NINTH LEGISLATURE

January 29th to March 19th,
1942

Prepared by
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—and—

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PROVINCE OF ALBERTA

HIS HONOUR JOHN C. BOWEN,

Lieutenant Governor

MEMBERS OF THE EXECUTIVE COUNCIL

HON. WILLIAM ABERHART,
*Premier, Minister of Education and
Attorney General*

HON. E. C. MANNING,
*Provincial Secretary and
Minister of Trade and Industry*

HON. SOLON E. LOW,
Provincial Treasurer

HON. DR. W. W. CROSS,
Minister of Health

HON. N. E. TANNER,
Minister of Lands and Mines

HON. W. A. FALLOW,
Minister of Public Works

HON. LUCIEN MAYNARD,
Minister of Municipal Affairs

HON. D. B. MACMILLAN,
Minister of Agriculture

ROBERT A. ANDISON,
*Clerk of the Legislature,
Clerk of the Executive Council.*

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SYNOPSIS OF STATUTES OF GENERAL APPLICATION

**Enacted at the Second Session of the
Ninth Legislature**

APPROPRIATION ACT, 1942

(Chapter 1)

This Act provides for the payment out of the General Revenue Fund of \$40,447.67 on account of expenditures for the fiscal year ending the 31st day of March, 1941, and for the payment out of the General Revenue Fund of \$1,534,909.73 on account of expenditures for the fiscal year ending the 31st day of March, 1942, and for the payment out of the General Revenue Fund of a sum not exceeding \$24,116,936.08 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1943.

This Act came into force on March 19, 1942.

LOAN ACT, 1942

(Chapter 2)

This Act authorizes the Lieutenant Governor in Council to raise by way of loan a sum of not more than \$1,000,000 upon the credit of the General Revenue Fund.

This Act came into force on March 19, 1942.

REVISED STATUTES ACT, 1942

(Chapter 3)

This is a new Act. It provides for the revision and consolidation of the Statutes of Alberta. A draft of the revision has been prepared by the Acting Legislative Counsel under the direction and supervision of the Attorney General. This draft which appears in galley proof form is complete except for the Statutes which it is proposed to include in Volume IV, being Statutes relating to the constitution and boundaries of the Province, relevant Imperial and Canadian Statutes, appendices and indices and things of a like nature. The Statutes and amendments passed at the present Session of the Legislature will also have to be included in the Revision. This Act will give the Acting Legislative Counsel power to continue and complete the work which he has

begun. There are many corrections which must still be made in the proof, and many additions, alterations and further changes yet to be made. When the work of the Acting Legislative Counsel has been completed he is required to submit it through the Attorney General to the Lieutenant Governor in Council. The Lieutenant Governor in Council is empowered to print the revision. One of the original copies to be known as the Statute Roll is to be deposited with the Clerk of the Legislative Assembly, and this copy shall be deemed to be the original Statute Roll of the Acts contained in the Revised Statutes. The Lieutenant Governor in Council may then bring the Revised Statutes of Alberta, 1942, into force upon a date to be named by proclamation. On, from and after the named date the Revised Statutes repeal and replace the existing Statutes of the Province to the extent that they are incorporated in the Revised Statutes of Alberta, 1942, or in the Schedules thereto.

The remaining sections of the Act are largely for the purpose of providing for a smooth transition from the law presently in force to the law contained in the revision.

This Act came into force on March 19, 1942.

UNIVERSITY ACT, 1942

(Chapter 4)

This Act is a consolidation of The University Act with certain amendments. In the main it follows closely the provisions of the old Act. The principal differences are in the provisions relating to the powers of the various governing bodies of the University. Under this Act the Board of Governors will consist of 13 members of whom 6 will be *ex officio* members as set out in section 12, the other 7 members are to be appointed by the Lieutenant Governor in Council.

The composition of the Senate is reduced by the Act from over 50 members to 25, 16 of whom are to be *ex officio* members as set out in section 31. There are to be 9 appointed members who will represent agriculture, business, labour, industry, public education and organizations devoted to social and cultural welfare. These latter members will be appointed by the statutory members of the Senate. Certain academic powers of the Senate have been transferred to the General Faculty Council whose powers are set out in section 61 (2).

The Act also continues the different Faculty Councils whose powers are set out in section 64.

Section 65 gives statutory authority to the Deans' Council which authority was not contained in the old Act.

New provisions are added in section 66 dealing with the Department of Extension. Authority is given in section 68 for the appointment

of a business manager of the University with the title of Comptroller or such other title as the Board of Governors shall determine. The sections of the old Act dealing with the borrowing powers and government guarantees for such borrowings are continued. Sections 78 and 79 deal with the exclusive rights of the University to confer degrees except degrees in Divinity and rights with regard to the use of the word "University" and the Coat of Arms or crest of the University.

This Act repeals the old Act, being chapter 56 of the Revised Statutes of Alberta, 1922.

This Act comes into force on June 1, 1942.

LEGAL PROCEEDINGS SUSPENSION

ACT, 1942

(Chapter 5)

This Act is to stay all proceedings to which The Debt Adjustment Act applies, pending the determination of the appeal to the Judicial Committee of the Privy Council in order that the rights of debtors may be preserved and to prevent confusion in the law as to the rights of creditors and debtors during that time.

This Act does not apply to actions in which a permit is not required, or in which a permit has been or is granted, or in which the consent of the debtor has been obtained.

This Act comes into force on Proclamation.

AN ACT TO AUTHORIZE MUNICIPALITIES AND OTHER PUBLIC BODIES TO INVEST SURPLUS FUNDS IN DOMINION OF CANADA WAR LOANS AND TO VALIDATE ORDER IN COUNCIL NO. 781 OF 1941 AS AMENDED

(Chapter 6)

The purpose of this Act is to authorize cities, towns, villages, municipal districts, school divisions and school districts to invest surplus funds in Dominion Government War Loans. The Act also validates Order in Council No. 781 of 1941 dated June 4, 1941, as amended, which authorized, subject to validation, municipalities and other public bodies to invest surplus funds in the 1941 loan. The by-law must in all cases be approved by the Minister of Municipal Affairs.

This Act came into force on February 24, 1942.

OIL AND GAS WELLS ACT, 1942

(Chapter 7)

This Act is to re-enact with minor changes The Oil and Gas Wells Act, 1931, because some of the powers granted under that Act were

affected by the amendment to the Natural Resources Agreement ratified by chapter 14 of the Statutes of Alberta, 1938. To remove any doubt as to the right of the Province to exercise these powers it is deemed advisable to re-enact the statute.

The Act is to come into force upon Proclamation after the validation of an agreement between the Dominion and the Province dated March 16, 1942, further amending the Natural Resources Agreement.

AN ACT TO RATIFY A CERTAIN AGREEMENT BETWEEN THE GOVERNMENT OF THE DOMINION OF CANADA AND THE GOVERNMENT OF THE PROVINCE OF ALBERTA

(Chapter 8)

This Act validates an agreement made on the sixteenth day of March, 1942, between the Government of Canada and the Government of Alberta. The agreement, which amends the Natural Resources Transfer Agreement, also has to be validated by Parliament. It is appended as a schedule to this validating Act. The object of the agreement is to extend the jurisdiction of the Legislature over contracts to purchase or lease petroleum or natural gas, subject to certain conditions and restrictions as to the royalty to be collected which are set out in the agreement.

This Act came into force on March 19, 1942.

TAX COLLECTION TEMPORARY SUSPENSION ACT

(Chapter 9)

This Act authorizes the Provincial Treasurer to execute on behalf of the Province the Agreement proposed to be made with the Dominion Government with regard to the suspension of corporation taxes and income taxes in consideration of a lump sum to be paid annually by the Dominion to the Province.

The Agreement appears as a Schedule to the Act. This Agreement is to continue during the war and a period thereafter unless it is terminated by notice.

This Act came into force on March 19, 1942.

OLD AGE PENSIONS (SUPPLEMENTARY ALLOWANCES) ACT

(Chapter 10)

The purpose of this Act is to authorize the Government, through the Pension Authority, to pay an additional allowance of five dollars per

month to old age pensioners and blind pensioners resident in Alberta, who were granted their pensions by the Alberta Pension Authority. It applies to all pensioners who were resident in Alberta on January 1, 1942, or who were temporarily absent from Alberta on that date, and also applies to those who in the future are granted pensions by the Old Age Pension Authority of this Province.

This Act came into force on April 1, 1942.

AN ACT TO VALIDATE ORDER IN COUNCIL 889-41

(Chapter 11)

This Act validates an Order in Council which was made on July 2, 1941, subject to validation. The Order in Council preserves the rights under The Superannuation Act, of certain employees of the Government of Alberta who have been temporarily employed by the Government of Canada.

This Act came into force on March 19, 1942.

EMERGENCY SEED GRAIN PURCHASE ACT

(Chapter 12)

This Act authorizes the Minister of Agriculture from time to time to purchase the seed of grains, cereals, legumes, grasses or fibres, and sell the same for cash to farmers in areas where there may be a shortage of seed. The amount which may be so expended in any one year shall not exceed \$100,000.00.

This Act came into force on March 19, 1942.

THRESHER EMPLOYEES' LIEN ACT REPEAL ACT

(Chapter 13)

This Act repeals The Thresher Employees' Lien Act.

The special rights and privileges granted by this Act are not used to any appreciable extent. It was deemed advisable that the Act should be repealed. Thresher employees still have recourse to the ordinary remedies provided by law for recovery of their wages.

This Act came into force on March 19, 1942.

FARM CULTIVATION LIEN ACT REPEAL ACT

(Chapter 14)

This Act repeals The Farm Cultivation Lien Act.

The provisions of this Act have not been used to any very great extent, and it was

deemed advisable to repeal it. Apparently there is little need for the special rights granted thereby, and contractors will, of course, still have their ordinary legal remedies for recovery of moneys owing to them.

This Act came into force on March 19, 1942.

INDUSTRIAL DISPUTES INVESTIGATION ACT (ALBERTA), 1928, REPEAL ACT

(Chapter 15)

The Act repealed by this Act provided that The Industrial Disputes Investigation Act of the Dominion should apply to every industrial dispute defined in the Act which was within the exclusive legislative jurisdiction of the Province. The object of the Act was to support the Dominion jurisdiction over labour disputes even in cases where Parliament had no authority. From time to time uncertainty has arisen as to whether the Province or Dominion had jurisdiction in certain labour disputes. The repeal of the above Act will clarify the situation and make it clear that The Provincial Industrial Conciliation and Arbitration Act applies in all cases in which the Province has jurisdiction.

This Act came into force on March 19, 1942.

LAND SALES PROHIBITION ACT

(Chapter 16)

This is a new Act. It prohibits the purchase of lands by an enemy alien or Hutterite or any person on his behalf, or the registration of lands in the name of an enemy alien or Hutterite or any person on his behalf. It is the intention to prevent these people from buying land or from becoming registered as the owners of land at least until after the war is over. Penalties are provided for infraction of the provisions of this Act.

This Act came into force on March 19, 1942, and was retroactive to March 1, 1942.

CLARESHOLM SEWER SERVICE CHARGES ACT

(Chapter 17)

This is a new Act. It enables the Town of Claresholm to levy and collect charges from persons whose premises are served by a connection to the town's sewage facilities. The fees are to be subject to the approval of the Board of Public Utility Commissioners.

This Act came into force on March 19, 1942.

**AN ACT RESPECTING THE EXECUTION
OF A CERTAIN PETROLEUM AND
NATURAL GAS LEASE NUMBERED
68067 AND DATED THE THIRTIETH
DAY OF JULY, 1941.**

(Chapter 18)

This Act extends the time within which a lease of certain petroleum and natural gas rights belonging to the Crown may be signed by the applicant, William Blair. The statutory period for so doing has expired but the fact that the applicant was overseas, and other special circumstances made the extention desirable.

This Act came into force on March 19, 1942.

**LEGISLATIVE ASSEMBLY ACT AMEND-
MENT ACT, 1942**

(Chapter 19)

This amendment to The Legislative Assembly Act is intended to make it clear that a contract of insurance with the Government Insurance Office is not such a contract as would disqualify a member under section 11 of the Act.

It also provides for the payment of sessional indemnities to members on active service overseas.

This Act came into force on March 19, 1942.

**PUBLIC UTILITIES ACT, 1923, AMEND-
MENT ACT, 1942**

(Chapter 20)

This Act amends The Public Utilities Act, 1923, by incorporating sections 51a and 51b as permanent portions of the Act. Section 51a has been in force since 1933 as a temporary provision, the effect of which has been continued from year to year by annual amendments. Section 51b is in a similar position, it having been first enacted by chapter 65 of 1934. The amendments to section 51a which have been made from time to time are incorporated, together with certain minor changes in the wording, which have not affected the meaning or intent of the section. Subsections (4), (6), (7) and (8) of section 51a are altered by the addition of a minimum penalty of twenty-five dollars to apply in the case of a first offence, and a maximum penalty of five hundred dollars to apply in the case of a second or subsequent offence. These new penalties are very desirable and will greatly facilitate the enforcement of the provisions relating to milk control.

This Act came into force on March 19, 1942.

**VITAL STATISTICS ACT AMENDMENT
ACT, 1942**

(Chapter 21)

This Act amends The Vital Statistics Act.

In a majority of cases an adopted child is not aware of the fact that its foster parents are not its natural parents. Knowledge of this fact is usually concealed by the foster parents until a birth certificate is required. Although the present certificate does not disclose the original parentage of the child, the fact of adoption is made known by implication as no reference to parentage appears on the certificate. It is deemed advisable that the foster parents of an adopted child should be shown on the child's birth certificate as its natural parents.

This Act came into force on March 19, 1942.

**ALBERTA LIQUOR CONTROL BOARD
SUPERANNUATION ACT AMEND-
MENT ACT, 1942**

(Chapter 22)

This Act amends The Alberta Liquor Control Board Superannuation Act so as to bring the members of the Board within its terms. The Act was formerly confined to employees.

This Act came into force on March 19, 1942.

**CORPORATIONS TAXATION ACT
AMENDMENT ACT, 1942**

(Chapter 23)

This Act amends The Corporations Taxation Act.

The new subsection inserted by the amendment partially replaces section 2 of The Corporations Temporary Additional Taxation Act which is being allowed to lapse. Its effect is exactly the same except that annual amendments are no longer necessary to keep it in force. Pursuant to the agreement with the Dominion Government whereby the corporation taxation field is being temporarily abandoned by the Province, this tax will not be levied until the termination of the said agreement when it will be imposed from and after a date to be proclaimed.

This Act came into force on March 19, 1942.

**FUEL OIL TAX ACT, 1941, AMENDMENT
ACT, 1942**

(Chapter 24)

This Act strikes out paragraph (k) of section 18 (2) and substitutes a new paragraph.

At the present time the full cost of colouring fuel oil which is sold for use on farms for agricultural purposes and in industry is borne by the Government. The object of this Act is to authorize the Lieutenant Governor in Council to make regulations providing, among other things, for a portion of the expense, namely the cost of the dye, to be borne by other persons to be designated by the regulations.

This Act came into force on March 19, 1942.

**INCOME TAX ACT AMENDMENT
ACT, 1942**
(Chapter 25)

This amendment to subsection (3) of section 8 of this Act is made necessary by the terms of the Provincial-Dominion Agreement under which the Province may only collect income tax from corporations whose fiscal year is not the calendar year or only the portion of the income for the fiscal period ending in 1941 proportionate to the number of months of the fiscal period included in the year 1940. By the section amended a corporation can set-off corporation tax against income tax. The object of the amendment is to provide that the set-off will be that portion of the corporation tax which corresponds to the proportion of the income tax collectable.

This Act came into force on March 19, 1942.

RAILWAY TAXATION ACT (PROVINCIAL) AMENDMENT ACT, 1942
(Chapter 26)

This Act amends The Railway Taxation Act (Provincial).

The new subsection added by the amendment partially replaces section 2 of The Corporations Temporary Additional Taxation Act which is being allowed to lapse. Its effect is exactly the same except that annual amendments are no longer necessary to keep it in force. Pursuant to the agreement with the Dominion Government whereby the railway taxation field is being temporarily abandoned by the Province, this tax will not be levied until the termination of the said agreement when it will be imposed from and after a date to be proclaimed.

This Act came into force on March 19, 1942.

SUCCESSION DUTY ACT, 1934, AMENDMENT ACT, 1942
(Chapter 27)

This amendment to The Succession Duty Act is for the purpose of establishing a definite

fixed value on savings certificates belonging to the estate of a person dying before or after the passing of this Act.

This Act came into force on March 19, 1942.

**PROVINCIAL LANDS ACT, 1939,
AMENDMENT ACT, 1942**

(Chapter 28)

The purpose of the new section 42a is to give the Province a lien on the plant and equipment of companies operating mineral leases for amounts owing for rental and royalties. No such security now exists and it sometimes happens that other creditors who have security take all the assets of such a company and deprive the Province of its rents and royalty.

The section also makes it an offence for a company to remove its machinery, etc., from the premises until rental and royalties are paid.

The Minister is empowered to agree in writing that equipment may be placed upon a location without becoming subject to the lien. He is also empowered to permit the removal from a location of equipment subject to a lien, in which case, the lien will cease and determine. Moneys owing to the Workmen's Compensation Board may be collected under the lien and priorities of payment are established in the event of this being done.

The amendment to section 44 authorizes licenses or permits to be issued with respect to timber on school lands, it being provided that the revenue from the same shall be paid into the General Revenue Fund for the support of the schools.

The amendment to section 80 provides that all leases, licenses, etc., issued under The Provincial Lands Act and The Dominion Lands Act, should be subject to provincial regulations and that renewals and re-issuance of leases, licenses and so forth should be issued under such regulations. A similar provision is made with regard to assignments of leases, licenses, etc., to the effect that such assigned instruments should be subject to such regulations.

The new section 103 dealing with the time within which leases must be executed and return to the Department extends the operation of this section to renewals of leases and substitutional leases.

This Act came into force on March 19, 1942.

**GAME ACT, 1941, AMENDMENT ACT,
1942.**

(Chapter 29)

This Act amends The Game Act, 1941.

Section 33 was intended to permit the hunting of big game north of township 69 without

a license in cases where the game was necessary for food. The purpose of the amendment is to exclude the settled and cultivated farming area in the Peace River district from the area to which the section applies.

Section 63 is amended. All areas originally within the Banff and Jasper Parks were declared to be game preserves. Several small areas of land have been excluded from these parks by recent alterations to their boundaries. This amendment provides that they shall also cease to be game preserves.

The amendment to section 67 is to enable the serving of game at dinners of Fish and Game Association and other charitable organizations.

This Act came into force on March 19, 1942.

ALBERTA LIVE STOCK AND LIVE STOCK PRODUCTS ACT AMENDMENT ACT, 1942.

(Chapter 30)

This Act is amended to make it clear that persons buying live stock and live stock products are governed by the Act though they may hold a license for some similar purpose under The Licensing of Trades and Businesses Act; Thus persons and companies licensed as wholesalers under the last mentioned Act have questioned the right of the Department of Agriculture to supervise their activities in purchasing live stock products through the Country.

This Act came into force on March 19, 1942.

IRRIGATION DISTRICTS ACT AMENDMENT ACT, 1942.

(Chapter 31)

This Act amends The Irrigation Districts Act.

Section 11a is amended by changing thirty days to sixty days. It is difficult at present to complete a settlement for seepage damage in thirty days, and by extending the period to sixty days the Board of Trustees will have ample time to effect a settlement rather than having the claim referred to the Irrigation Council.

The remaining amendments to sections 148, 150, 152, 155 and 156 all deal with rate enforcement returns. At present the Act provides that where irrigation rates are in arrears on privately owned land, proceedings leading to forfeiture of the land may be initiated by rate enforcement proceedings. These proceedings do not apply to forfeiture of the equity of the purchaser under an agreement for sale from the district if he fails to pay his rates. The only recourse of a district in this case is by

means of expensive and cumbersome foreclosure proceedings. The amendments in this Act make the rate enforcement proceedings in the Act applicable to these agreements for sale, thereby providing a simple and inexpensive method for forfeiting these small equities.

This Act came into force on March 19, 1942.

DRAINAGE DISTRICTS ACT AMENDMENT ACT, 1942.

(Chapter 32)

This Act amends The Drainage Districts Act.

Section 26 is amended so that it conforms to a similar section in The Irrigation Districts Act. It sets out the officers and the duties of the Board in somewhat greater detail.

The new section 124a corresponds to a section presently appearing in The Irrigation Districts Act. It gives the secretary of a district authority to correct the assessment roll, as to names, and descriptions of property, but not as to altering of assessments.

The remaining amendments all deal with rate enforcement returns. At present the Act provides that where drainage rates are in arrears on privately owned land, proceedings leading to forfeiture of the land may be initiated by rate enforcement proceedings. These proceedings do not apply to forfeiture of the equity of the purchaser under an agreement for sale from the district if he fails to pay his rates. The only recourse of a district in this case is by means of expensive and cumbersome forfeiture proceedings. The amendments in this Act make the rate enforcement proceedings in the Act applicable to agreements for sale, thereby providing a simple and inexpensive method for forfeiting these small equities.

This Act came into force on March 19, 1942.

CROP PAYMENTS (IRRIGATED LAND SALES) ACT AMENDMENT ACT, 1942.

(Chapter 33)

The amendments made by this Act increase the maximum portion of a crop which may be claimed on purchase price or rental by Irrigation Districts and Colonization Managers from one-tenth share of root crops to one-eighth and one-fifth share of other crops to one-quarter share. In the case of The Canada Land and Irrigation Company Limited the increase is the same for root crops and there is no increase with regard to other crops. It has been found that the share previously fixed has not always been sufficient to pay interest on purchase price and irrigation rates in the case of a sale or taxes and irrigation rates on leased land. It is considered to be in the best interests of all

concerned that the payments required should be at least sufficient to cover these charges. The amendment also makes the Act applicable to the New West I. D. Colonization Manager and the United Irrigation District Colonization Manager.

This Act came into force on March 19, 1942.

LETHBRIDGE NORTHERN COLONIZATION ACT AMENDMENT ACT, 1942.

(Chapter 34)

This Act amends The Lethbridge Northern Colonization Act.

Section 21 is amended. At present moneys expended or advanced by the Manager to finance the growing of crops are secured by a first lien and charge upon the crops. The amendment extends the lien to the proceeds of the sale of such crops. Many farmers in the district are unable to finance their operations. The Colonization Manager borrows moneys and makes advances and loans to the farmers. In other words, he makes it possible for these farmers to grow crops and thereby enables them to pay off their other debts. It is essential, accordingly, that the Manager should be fully protected and that his claim against the crops should be first in all respects. The new subsections (2) and (4) correspond to sections 145a and 147a of The Irrigation Districts Act. Subsection (3) is a restatement of powers contained in the present subsection. Subsection (5) makes it clear that the Manager's claim is the first to be paid when creditors take garnishee proceedings against the proceeds of the sale of crops.

This Act came into force on March 19, 1942.

CONSTITUTIONAL QUESTIONS ACT AMENDMENT ACT, 1942.

(Chapter 35)

The object of this Act is to make it clear that a reference to the Court under the Act is to be to the Appellate Division of the Court. This has been the practice at all times since the Appellate Division was first created. The Act is made retroactive to the date when the Appellate Division was constituted as a separate division under that name.

This Act came into force on March 19, 1942.

DISTRICT COURTS ACT AMENDMENT ACT, 1942.

(Chapter 36)

This amendment is to enable a Chief Judge to be appointed for each of the Courts estab-

lished under The District Courts Act, namely the District Court of Northern Alberta, and the District Court of Southern Alberta.

This Act comes into force on Proclamation.

JUDICATURE ACT AMENDMENT ACT, 1942.

(Chapter 37)

This amendment to The Judicature Act provides a statutory period of redemption of one year under orders made in the actions for foreclosure of a mortgage or for specific performance of an agreement for sale with power to the judge to decrease or increase the period of redemption for proper cause.

It also provides for the extension of the period of redemption in orders made prior to the passing of the Act in cases where no final vesting or cancellation order has been granted.

The amendment does not affect any action in which a permit was not required, or in which a permit has been or is granted, or in which the consent of the debtor has been obtained.

Paragraph (q) of section 37 is clarified by rewording it.

This Act came into force on March 19, 1942.

LIMITATION OF ACTIONS ACT AMENDMENT ACT, 1942.

(Chapter 38)

This Act amends The Limitation of Actions Act.

Section 7 is amended to make it clear that a promise to pay, acknowledgment or part payment has the same effect on a judgment debt as on an ordinary debt.

Section 12 is amended to conform to The Judicature Act, which abolished proceedings for recovery of money under a personal covenant contained in a mortgage on land. Reference to moneys secured by any mortgage are accordingly omitted. The limitation period in the section is also reduced from ten to six years.

Section 13 is struck out because proceedings for the recovery of money payable under an agreement for sale are also barred by The Judicature Act.

Section 34 is amended by changing the reference from section 31 to section 37. The latter section contains a clear statement of the kind of acknowledgment applicable.

Section 39 is amended by reducing the period of limitation from ten to six years so as to

avoid confliction with paragraph (f) of subsection (1) of section 3 of this Act.

Section 40 is amended by reducing the period of limitation from ten to six years.

Section 47 is amended. A person under disability presently has the right to take proceedings at any time within six years after the cessation of his disability irrespective of the time ordinarily limited for the taking of such proceedings. The amendment alters this by giving the person under disability the right to take action after the cessation of his disability within the time ordinarily limited for the taking of such actions.

Section 9 of the amendment prevents any action being barred merely by the operation of the provisions of this amendment reducing limitation periods until the first day of April, 1943.

Section 10 of the amendment prevents any action being barred merely by the operation of the provisions of the 1941 amendment to this Act until the first day of April, 1943 also.

This Act came into force on March 19, 1942.

SOLDIERS' RELIEF ACT, 1940, AMENDMENT ACT, 1942.

(Chapter 39)

This Act amends The Soldiers' Relief Act, 1940.

The amendment to section 3 extends the protection afforded by this section to cases where the wife retains an assessable interest in the property sought to be exempted.

The amendment inserts a new section empowering the Lieutenant Governor in Council to appoint a Soldiers' Relief Commission of not more than three members. The duties of the commission are set out.

Section 11 is amended by substituting the Soldiers' Relief Commission for the Debt Adjustment Board.

This Act came into force on March 19, 1942.

SPECIAL AREAS ACT, 1939, AMENDMENT ACT, 1942.

(Chapter 40)

This Act amends The Special Areas Act, 1939, by making special provisions with regard to advertising sales under The Tax Recovery Act, 1938. The latter Act requires an advertisement of a public auction containing a description of all the parcels to be put up for sale. The amendment provides that in special areas the parcels need not be described in the advertisement but that a list may be inspected

at the office of each special area. The present method is expensive and the Special Areas Board recommends the change so as to cut down expenses. It is stated that the circulation of the local paper reaches only a small percentage of the people in the areas. The other requirements such as advertising in *The Alberta Gazette* are not changed in any way by the amendment.

This Act came into force on March 19, 1942.

**LOCAL AUTHORITIES BORROWINGS
GUARANTEE ACT, 1937, AMEND-
MENT ACT, 1942.**

(Chapter 41)

This Act amends The Local Authorities Borrowings Guarantee Act, 1937.

The Act has been amended annually for the purpose of continuing its provisions from year to year. These amendments will make the Act permanent in form and will avoid the necessity of annual amendments to continue it in force.

This Act came into force on March 19, 1942.

**SCHOOL ACT, 1931, AMENDMENT ACT,
1942.**

(Chapter 42)

This Act amends The School Act, 1931.

The definition of "elector" is altered to give the franchise to persons leasing lands from the Crown in special areas and to the holders of agricultural leases under The Provincial Lands Act.

A new definition of "salary schedule" is added.

The new definition of "trustee" makes it clear that where the word "trustee" is used it may mean a trustee of either a district or a divisional board, as "board" is defined as the board of a district or division.

The amendment to paragraph (c) of subsection (1) of section 120 makes the appointment subject to the approval of the Minister as no regulations have been issued by the Department.

The amendment to subsection (1) of section 143 omits the words "standard time". It also clarifies the present power of the Board to alter school hours upon receiving the permission of the Minister. This power is particularly necessary in northern districts during the winter months. Many outlying schools have inadequate or no lighting facilities and it is inadvisable to have the children coming to school while it is still dark. In such cases the

Board, on the permission of the Minister, can open the school at 9:30 or 10:00 if necessary.

The new sections 147 and 147a provide for the opening of schools by the reading, without comment, of a passage of scripture followed by the recitation of the Lord's Prayer. Religious instruction is only permitted in the one half-hour immediately preceding the closing of the school in the afternoon.

The amendments to section 202 and to Part II of the Schedule provide several alterations with regard to the charging of fees for non-resident pupils. The section is made applicable to school divisions. The charge for pupils under Grade IX is reduced from twenty cents to fifteen cents per day per pupil. In Grades X, XI and XII the subjects of instruction have been classified and assigned "credits" by regulations of the Department of Education. The fees are amended so as to be applicable to this credit system rather than being charged on the basis of "units" as formerly.

The amendment to section 237 permits of the holding of the poll in a division on a day other than the second Saturday in January if this is found advisable.

The amendment to section 250 permits a divisional board to call a special meeting of the electors of any district or districts.

The amendment to section 260 enables the Board to include in its estimate an amount which may be set aside as a reserve fund for future capital expenditures in addition to expenditures for ordinary current requirements.

The new subsection added to section 266a makes it clear that a divisional board ceases to exist when all the districts included in the division are transferred or excluded from it.

Sections 6 and 11 of this Act amending section 202, and Part II of the Schedule and relating to fees come into force on July 1, 1942, at the end of the school year and the remaining sections of the Act came into force on March 19, 1942.

SCHOOL ASSESSMENT ACT, 1931, AMENDMENT ACT, 1942.

(Chapter 43)

This amendment to The School Assessment Act authorizes a rebate on school taxes paid within sixty days from the date of mailing of the tax notice. Certain school districts send out their tax notices in the middle of the summer which prevents ratepayers getting the discounts authorized by section 39a on payments made before the first of June. The object of the amendment is to extend the privilege to these ratepayers of a rebate in such

cases. The amendment brings The School Assessment Act into line with the provisions of The Municipal District Act.

This Act came into force on March 19, 1942.

TEACHERS' RETIREMENT FUND ACT AMENDMENT ACT, 1942.

(Chapter 44)

This Act amends the definition of "teacher" so as to extend the benefits of the Act to teachers with Alberta certificates who are teaching in the Lloydminster schools, which are governed by Saskatchewan legislation. This procedure will require approval by the Province of Saskatchewan which may be given by Order in Council under The Lloydminster Municipal Amalgamation Act. The above amendment makes necessary the amendments made by sections 3 and 4 of this amendment Act. The amendments to section 8 authorize the Board to make refunds in case of the death of a teacher, to his immediate relatives, and change the date prescribed for the annual return of the Board to the Department of Education.

This Act came into force on March 19, 1942.

PUBLIC HEALTH ACT AMENDMENT ACT, 1942.

(Chapter 45)

This Act amends The Public Health Act.

A definition of "Nuisance" is added in the interpretation section.

The amendments to section 22*l* will enable the Department to establish different fiscal years for different health districts rather than having their fiscal years ending uniformly on December thirty-first. This is advisable as it enables members of the Department to attend annual meetings of the districts, and supervise their accounting.

The new section 28*b* places on the person charged in a prosecution under this Act the burden of proving that he is the holder of any certificate or license required by this Act. The lack of this provision creates great difficulty in enforcement.

This Act came into force on March 19, 1942.

MUNICIPAL HOSPITALS ACT, 1929, AMENDMENT ACT, 1942.

(Chapter 46)

The amendment to section 12*a* is to limit free medical services under the scheme to hospital supporters and their dependants. Other residents of the Hospital District would be the

responsibility of the municipality in which they reside.

The purpose of the amendment to section 31a is to provide for the possible difficulties arising where meetings do not materialize for the purpose of electing board members in the specified areas.

This Act came into force on March 19, 1942.

MENTAL DEFECTIVES ACT AMENDMENT ACT, 1942.

(Chapter 47)

Section 14 of The Mental Defectives Act places the responsibility for support of mental defectives in an institution on municipalities with the right to recover from persons legally responsible for the maintenance of such persons. The object of this amendment is to enable the municipalities, in cases where the mental defective has property, to recover the outlay from him and to enable it to file a caveat against lands owned by him and also to distrain on the goods of the person legally responsible for his support.

This Act came into force on March 19, 1942.

SEXUAL STERILIZATION ACT AMENDMENT ACT, 1942.

(Chapter 48)

The amendment to section 3 authorizes the Minister of Health to appoint a temporary member of the Board where a member is unavoidably absent. As all decisions of the Board must be unanimous, delays frequently occur owing to the inability of a member to attend. The amendment will, to a great extent, obviate such delays in the future. The new sections added to this Act extend the jurisdiction of the Board to cases not now covered but which may in the opinion of the Board require treatment similar to those already covered.

This Act came into force on March 19, 1942.

ALBERTA HAIL INSURANCE ACT AMENDMENT ACT, 1942.

(Chapter 49)

This Act amends The Alberta Hail Insurance Act. For the most part the amendments relate to details in connection with the contract made by the Board, and the rights and liabilities of the Board and the insured.

The amendment to section 5 empowers the Board to acquire, hold and dispose of real property. Section 5 is further amended to allow the Board to charge interest on unpaid premiums.

The amendment to section 10 enables the Board in each year to designate the crops which it will insure. The Board is also permitted to fix different maximum amounts payable in respect of different crops, and particularly to differentiate between crops grown on irrigated lands as distinguished from dry lands. The Board is further empowered to fix the maximum amount which will be paid to any one applicant.

The new section 10a enables the Board to prescribe different kinds of policies with varying rates of premium. Premiums may vary according to the method of harvesting. A policy may be issued containing a partial payment of loss clause.

The amendment to subsection (5) of section 11 clarifies the rights of the Board and the insured in the case where an application has been accepted by the Board, and the Board ascertains that damage occurred prior to the time the application was made or within twenty-four hours thereafter.

The new subsection (6a) to section 11 protects a policyholder in the case where more than one policy has been issued, and the total insurance exceeds the maximum amount allowed on the crop by the Board. So long as the Board has accepted the applications both policies are valid and enforceable.

The amendment to subsection (7) of section 11 sets out what must be done and how much must be paid by an applicant to make a binding contract.

The new section 12 provides for cancellation of policies prior to August the first, and refunds of the unearned portion of the premium.

Section 13 is amended. It now provides for a lien on the applicant's crops for unpaid premium and other charges and a lien on any money owing to the applicant by the Board under the policy on which the premium is due or other policies. Procedure is provided for the enforcement of this lien, and provision is also made for the application of penalties in prosecutions for selling or buying grain by a person with knowledge of the lien, who does not pay the amount secured by the lien.

The amendment to section 14 defines the period covered by the policy.

The amendment to section 15 provides that the costs of adjustment in connection with an appeal which fails, may be charged to the insured.

The amendments to section 18 and 21 provide for transferring certain funds to the General Reserve Account and for the use of the funds in the reserve by the Board for payment of claims and other proper expenditures.

This Act came into force on March 19, 1942.

LAND TITLES ACT AMENDMENT ACT, 1942.

(Chapter 50)

This Act amends The Land Titles Act.

Subsections (3), (4) and (5) of section 97 and section 124a, which are repealed by this Act, provided for the holder of a mortgage or incumbrance against land and a person who had filed a caveat agreeing with subsequent incumbrances to postpone the security to that of a subsequent incumbrancer. The provisions of the new subsections (3), (4) and (5) of section 97 consolidate these provisions and add to them authority for persons by agreement to postpone other instruments such as leases, etc.

The amendment to section 112 relates to the priority of an execution registered in the Land Titles Office. Under The Limitation of Actions Act, 1935, as amended in 1941, a judgment is barred after six years and the execution would fall with the judgment and subsequent mortgages or other incumbrances would take priority over it. The proposed amendment provides that if before a judgment is barred by The Limitation of Actions Act, an action is brought on the judgment and an execution is registered before the first execution lapses, the second execution will replace the first execution or rather, be given its priority on the register.

This Act came into force on March 19, 1942.

DOWER ACT AMENDMENT ACT, 1942.

(Chapter 51)

Section 3 of The Dower Act declares a disposition of the home by a married man without the consent of his wife null and void. The Courts have interpreted this to mean that it is only null and void as against the wife's life estate which becomes effective only on the husband's death. This means that the husband may dispose of the home subject to this estate. The purpose of the amendment is to make the section mean what was intended, that is to make any such disposition null and void for all purposes.

This Act came into force on March 19, 1942.

CONDITIONAL SALES ACT AMENDMENT ACT, 1942.

(Chapter 52)

This amendment provides that if a vendor under a lien agreement, commonly called a lien note, seizes the goods subject to the lien, he cannot thereafter bring an action for the purchase price. He may, however, under the terms of this Act, elect to bring an action instead of seizing, in which case, if he seizes the said goods under execution, he cannot seize any

other goods. His remedy against other goods is not interfered with, if he has not seized the goods covered by the lien agreement. The amendment does not apply to cases where the goods or chattels are destroyed or seriously damaged from any cause.

This Act came into force on March 19, 1942.

COMPANIES ACT, 1929, AMENDMENT ACT, 1942.

(Chapter 53)

Section 4 of The Corporations Temporary Additional Taxation Act provides that all fees prescribed by The Companies Act, 1929, are to be increased "by an amount equal to ten per cent of the amount thereof".

Pursuant to the agreement with the Dominion Government the Province is temporarily abandoning taxation in the field covered by The Corporations Temporary Additional Taxation Act, except in so far as section 4 is concerned. The most satisfactory way of giving effect to this portion of the agreement is to allow The Corporations Temporary Additional Taxation Act to expire and to amend the table of fees in The Companies Act. Such a procedure would also avoid the necessity of annual amendments to keep section 4 in force. This Act accordingly amends the schedule of fees in The Companies Act, 1929, by increasing each fee by an amount equal to ten per cent.

This Act came into force on March 19, 1942.

CO-OPERATIVE ASSOCIATIONS ACT AMENDMENT ACT, 1942.

(Chapter 54)

The amendments set forth in this Act are for the purpose of clarifying and enlarging the powers of Co-operative Associations.

The amendment to section 5 gives an association the same incidental powers as are given to a company under section 19 of The Companies Act.

The amendments to section 7 provide for an alternative representation on the board of directors by districts rather than by members at large.

The amendment to section 11 is to clarify the provisions as to who shall be members of the association.

The amendments to section 13 are to clarify the provisions as to who shall be entitled to vote and to provide for voting by delegates in case that system is used.

The amendments to section 14 provide for the issuance of preferred shares without voting privileges.

The amendments to section 18 are to enable the Supervisor to get certain additional information on the direction of the Minister.

The amendments to sections 23, 24 and 25 enlarge and clarify the provisions enabling an association to give and obtain credit in connection with the sale of goods or merchandise, and to borrow moneys for the purpose of extending such credit.

This Act came into force on March 19, 1942.

CO-OPERATIVE MARKETING ASSOCIATIONS ACT AMENDMENT ACT, 1942.

(Chapter 55)

The amendments set out in this Act provide for an association becoming a member of another association with similar objects and also provides for the substitution of the word "Supervisor" for the word "Registrar" where the same occurs in sections 43 and 44 of the Act.

This Act came into force on March 19, 1942.

ALBERTA MARKETING ACT AMENDMENT ACT, 1942.

(Chapter 56)

The amendments to this Act are for the purpose of extending the powers of the Provincial Marketing Board and other Boards to enable them with the approval of the Lieutenant Governor in Council to create branches or agencies to assist in the operations of the Board and to acquire and hold real and personal property and to dispose of the same.

It also empowers the Lieutenant Governor in Council to create corporations as wholly owned subsidiaries of a Board for the purpose of carrying on operational functions as separate and distinct from the regulatory functions of the Boards.

Section 20 of the Act authorizes the Provincial Treasurer with the approval of the Lieutenant Governor in Council to make advances to corporations organized on the application of the Provincial Board, not to exceed at any one time the sum of \$100,000.

This Act came into force on March 19, 1942.

CREDIT UNION ACT AMENDMENT ACT, 1942.

(Chapter 57)

This Act amends The Credit Union Act.

The new subsections added to section 10 provide procedure for the changing of the name of a credit union. Certain credit unions

adopted the name of their labour union. Where there are two labour unions the choice of name has caused difficulty in getting as large a membership as might otherwise be available. This provision for a change of name is in keeping with recognized procedure in other types of corporations.

The powers of credit unions are enlarged by the amendments to section 19. The new paragraph (gg) enables them to acquire and dispose of securities which they have taken for loans whether the securities are real or personal. The new paragraph (ggg) enables payment to the executor, administrator or immediate relatives of funds not exceeding two hundred dollars standing to the credit of deceased members without the necessity of taking out probate or administration. There was previously no provision relating to the disposal of such moneys.

Section 55 is amended so as to remove the absolute prohibition of an officer of the union from disposing of his shares. Having this prohibition in mind many capable members of a credit union avoided taking office. The amendment permits directors or other officers to dispose of their shares with the approval of a two-thirds majority of the officers of the union. The liability to the creditors of the union is preserved for a period of four months after any such disposition of shares.

Section 79 is amended to enable the incorporation of federations of credit unions and to clarify the power of the Lieutenant Governor in Council to make regulations relating thereto.

This Act came into force on March 19, 1942.

OIL AND GAS FIELDS PUBLIC SERVICE UTILITIES ACT AMENDMENT ACT, 1942.

(Chapter 58)

This Act amends The Oil and Gas Fields Public Service Utilities Act.

Section 3 presently limits the granting of franchises under this Act to works for gathering, transporting and delivering natural gas. It is desirable that franchises be granted for gathering and transporting both oil and gas or either of them. The amendment accomplishes this change.

This Act came into force on March 19, 1942.

VEHICLES AND HIGHWAY TRAFFIC ACT, 1941, AMENDMENT ACT, 1942.

(Chapter 59)

This Act amends The Vehicles and Highway Traffic Act, 1941.

It is anticipated that there will be considerable difficulty in obtaining metal number

plates for motor vehicles. The new section 30a and the new paragraph added to section 77 will enable the Minister to issue a marker or a single number plate in lieu of the plates presently required. The form, design and manner of display of the marker will be covered by regulations. The marker will be of plastic or any other material which may be secured, and which would be suitable for the purpose.

A new subsection is added to section 58 enabling street railway cars or trolley busses to turn at intersections without regard to the illuminated traffic control signals.

Under The Limitation of Actions Act, 1935, the period within which an action for damages occasioned by a motor vehicle could be brought was two years. When The Vehicles and Highway Traffic Act, 1941, was passed this was reduced to one year. The object of the proposed amendment to section 101 is to preserve a right of action for a year after the new Act came into force, namely, April 8, 1941, which might otherwise be barred by the change in the limitation. Provision is made, however, that if the two years limited by the old Act expires during that year, the action will be barred.

This Act came into force on March 19, 1942.

PUBLIC SERVICE VEHICLES ACT AMENDMENT ACT, 1942.

(Chapter 60)

This Act amends The Public Service Vehicles Act.

Paragraph (j) of subsection (1) of section 8 is amended to make it clear that the Board can require insurance to be taken out as a condition prerequisite to the issue of a license to operate a bus depot.

The amendments to subsection (2) of section 16 give the Board a discretionary power to require owners of public service vehicles to take out public liability and property damage insurance policies in cases where such policies are deemed necessary.

Section 51 is amended by striking out certain limiting words in subsection (3). The Board should have the power to take the action permitted by this subsection for the protection of the public as well as for the protection of a highway.

This Act came into force on March 19, 1942.

MINING INDUSTRY WAGES SECURITY ACT AMENDMENT ACT, 1942.

(Chapter 61)

This Act amends The Mining Industry Wages Security Act.

The definition of "designated industry" is amended to mean any "mine" (being defined in the Act as a coal-mine). It may also include any of certain listed industries which the Lieutenant Governor in Council may declare to be a designated industry and to be subject to the provisions of this Act.

A definition of "lumbering" is added to the Act, as it falls within the list of industries which may be declared to be designated industries.

A new section is added enabling an employer in a designated industry to apply for an exemption from liability to furnish security. The exemption granted may be for a specified or an indefinite period of time, but the exemption may be cancelled at any time.

This Act came into force on March 19, 1942.

WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1942.

(Chapter 62)

Section 73 of The Workmen's Compensation Act provides that the Act shall not apply to certain occupations, including (d) the members of the Order of Railway Conductors in Alberta. The repeal of paragraph (d) brings these railway employees under the Act. The amendment is asked for by the Legislative Committee of the Order of Railway Conductors, following a favourable ballot of the members of the Order.

This Act came into force on March 19, 1942.

CHIROPRACTIC ACT AMENDMENT ACT, 1942.

(Chapter 63)

This Act amends The Chiropractic Act.

The amendment permits residents of the Province who now hold a diploma from a school of chiropractic and who were absent from the Province attending a school of chiropractic at the time the Act was passed to obtain a license without examination on payment of the fee of \$50. Applicants for registration are required to furnish the Minister with evidence of their practical experience and qualifications.

The fee for renewal of registration is increased from \$10 to \$15.

This Act came into force on March 19, 1942.

DENTAL ASSOCIATION ACT AMEND- MENT ACT, 1942.

(Chapter 64)

This Act amends The Dental Association Act.

Section 2 of the amendment increases the annual fees payable by members of the Association from \$10 to \$35.

Section 3 introduces a new section 25a which defines what is included in the term the practice of dentistry.

Section 4 amends section 29 of the Act (which deals with penalties) by applying it to the four preceding sections instead of three.

Section 5 adds a new section 29a which prohibits a person, not registered, from practising dentistry or holding himself out as being qualified to practise or holding out or advertising any other person who is not registered as being so qualified.

Section 6 provides that the provisions of this Act shall not affect the provisions of The Public Health Act, section 24a, and regulations relating to the relationship between dentists and dental mechanics.

This Act came into force on March 19, 1942.

SOLEMNIZATION OF MARRIAGE ACT AMENDMENT ACT, 1942.

(Chapter 65)

From time to time applications are made to the Courts for declarations presuming death so as to permit re-marriage or for other purposes. In some cases the Courts have been assuming this power and the applications have been granted and in other cases the applications have been refused on the ground of lack of jurisdiction. It is in the public interest that this situation be clarified. The proposed amendment would give statutory authority for the exercise of this jurisdiction. It is in the same terms as an amendment recently made in England except that it does not purport to authorize the dissolution of the marriage.

This Act came into force on March 19, 1942.

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